

REMARKS

The claims are not amended. Claims 1, 6-15, 18-20, and 27-33 are pending in the application.

The present inventive subject matter is directed to an antimicrobial polymeric coating composition, in particular an antimicrobial coating material, comprising inorganic core-shell particles having a core and at least one shell directly deposited thereon, wherein the core consists of nanoscale particles selected from the group consisting of aluminum oxide, zirconium oxide, titanium oxide, iron oxide, cerium oxide, indium-tin oxide, silicon carbide, tungsten carbide and silicon nitride, having a particle size <100 nm, and the shell is formed by at least one metal having an antimicrobial action.

REJECTION UNDER 35 U.S.C. §103(a)

The Examiner has maintained the obviousness rejection of all pending claims as being unpatentable over Mulvaney et al. (U.S. Patent No. 6,548,168) in view of Oldenburg et al. (U.S. Patent No. 6,344,272).

Applicants maintain their traversal of this rejection. The Examiner has failed to make a prima facie case of obviousness.

As stated above, the instant claims are directed to an antimicrobial polymeric coating composition, in particular an antimicrobial coating material, comprising inorganic core-shell particles having a core and at least one shell directly deposited thereon, wherein the core consists of nanoscale particles selected from the group consisting of aluminum oxide, zirconium oxide, titanium oxide, iron oxide, cerium oxide, indium-tin oxide, silicon carbide, tungsten carbide and silicon nitride, having a particle size <100 nm, and the shell is formed by at least one metal having an antimicrobial action.

Specifically, the instant claims are directed to inorganic core-shell particles which have a core which excludes organic parts and is limited to the following: aluminum oxide, zirconium oxide, titanium oxide, iron oxide, cerium oxide, indium-tin oxide, silicon carbide, tungsten carbide and silicon nitride. Each material identified in the Markush group is an inorganic core material.

Applicants respectfully submit that while the Examiner's position is appreciated, the instant claims are limited to only include inorganic core shell particles, which are not taught in the cited references. The Examiner stated in the interview summary that the use of "comprising" in the instant claims has left open the possibility of the use of organic parts. The claims repeatedly recite that the core shell particles are inorganic and as

evidence thereof, recite no organic parts. While the Examiner may give the claims their broadest, reasonable interpretation in light of the specification, the Examiner has not made it clear how one of ordinary skill in the art, in reading the instant specification, which is replete with references to inorganic materials for both the core and shell, would view the claims as containing inorganic parts in the shell or core. Furthermore, the Examiner has not made it clear how it would be achieved in light of the disclosure of the instant specification or through any known rule of claim construction that the instant claims could successfully be said to include any organic parts.

Mulvaney and Oldenburg teach core-shell particles which may be only partly inorganic, and therefore do not teach each and every limitation of the instant claims. Thus, a prima facie case of obviousness has not been established.

Accordingly, the Examiner is asked to reconsider and withdraw this rejection.

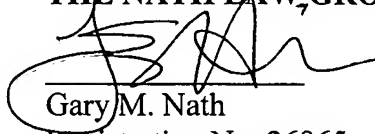
CONCLUSION

In view of the foregoing, Applicants submit that the application is in condition for allowance. The Examiner is invited to contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

Please charge any fee deficiency or credit any overpayment to Deposit Account No. 14-0112.

Respectfully submitted,

THE NATH LAW GROUP

A handwritten signature in black ink, appearing to read 'Gary M. Nath', is written over a horizontal line.

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